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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

Report of the Secretary-General*

Addendum

I. Introduction

1. In its resolutions 56/153 of 19 December 2001 and 57/203 of 18 December 2002, the General Assembly requested the Secretary-General to prepare a comprehensive report on the strengthening of United Nations action in the field of human rights, through the promotion of international cooperation based on the principles of non-selectivity, impartiality and objectivity, taking into account the views of Member States. Moreover, the Assembly decided to continue consideration of the question at its fifty-eighth session under the item entitled "Human rights questions".

2. In compliance with paragraph 11 of those resolutions, the Secretary-General, in a note verbale dated 2 May 2002, invited Member States to present practical proposals and ideas that would contribute to the strengthening of United Nations action in the field of human rights through the promotion of international cooperation based on the principles of non-selectivity, impartiality and objectivity.

3. In addition to previous replies received from Member States that were included in the report of the Secretary-General (A/58/185 and Add.1), the Office of the United Nations High Commissioner for Human Rights received a reply from the Government of Cuba on 10 October 2003, which is reproduced in section II below.

* The present addendum has been submitted late in order to ensure that all the relevant information provided by Governments is before the General Assembly.

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II. Replies received from Governments

Cuba

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[Geneva, 6 October 2003]

4. The Government of the Republic of Cuba considers that the only viable way to protect and promote all human rights for everyone is international cooperation, in which the United Nations should play a fundamental role, under its mandate and as a matter of principle. Observance of the principles of universality, objectivity and non-selectivity, agreed at the World Conference on Human Rights in Vienna, is essential for achieving the objectives that the international community has set itself in this regard.

5. Developing and stimulating respect for human rights and fundamental freedoms by means of international cooperation require in-depth understanding of the great variety of problems arising in all societies and the acceptance of the heterogeneous nature of the historical and cultural features of every nation, in conjunction with total respect for the political, economic and social reality of each, in strict compliance with the purposes and principles of the Charter of the United Nations.

6. It is a matter of growing concern to Cuba that the functioning of the bodies and mechanisms of the United Nations system for the promotion and protection of human rights has, regrettably, been diverted from the ideal of international cooperation in this regard, and distorted by the intolerance and the punitive approaches that a group of developed nations is attempting to apply, precipitating an unstoppable and damaging spiral of confrontation.

7. The Commission on Human Rights and other intergovernmental human rights bodies have become the hostages of the authoritarian practices of a group of countries of the industrialized North bent on imposing their points of view and their models on the rest of the developing countries, which is to say, the immense majority of mankind. Their only interests, masquerading as human rights concerns, are, of course, geopolitical.

8. They are constantly trying to establish a single pattern of democracy and governance as the yardstick for all nations, taking no account of their respective historical, cultural and religious characteristics. This is a model that does not encourage the realization of human rights for everyone, as the millions of individuals living in extreme poverty all over the world — not only lacking the most elementary rights but also unaware that they have rights — can testify.

9. Countries perceived as transgressing a model that they have not even universally accepted and that seriously jeopardizes the future of mankind are stigmatized; resolutions condemn them and punitive mechanisms are imposed on them, yet this essentially means resorting to the most despicable forms of pressure and blackmail.

10. For more than a decade now all the resolutions adopted by the Commission on Human Rights and the Third Committee of the General Assembly on country situations of mass and flagrant violations of human rights have exclusively targeted countries of the South and have been submitted in their immense majority by

countries of the North, former colonial countries or new imperialist powers, which continue to endeavour to perpetuate, conserve and create new and more sophisticated machinery of domination over their traditional areas of influence or impose new areas of domination.

11. In the more than 50 years of its existence, the Commission on Human Rights has never been able to adopt a resolution condemning human rights violations in industrialized Western countries. Nevertheless, visits by thematic rapporteurs to some of those countries, the conclusions and recommendations of the treaty bodies and the reports by human rights non-governmental organizations have provided abundant evidence of violations of the rights of minorities, migrant workers, indigenous populations and deprived sectors of the countries of the developed North. The legalization of markedly racist and xenophobic political institutions and such aberrant practices as the use of the Internet to disseminate ideas of this nature or child prostitution and pornography are only some of the manifestations of the serious human rights violations occurring daily in those countries.

12. In a context of objective and non-discriminatory cooperation, such situations would merit the adoption of more than one resolution and the establishment of special procedures for permanent monitoring by the Commission. Any explicit censure, however, is blocked by pressures and threats, contributing in practice to the impunity of those responsible for such violations and to their perpetuation. In particular, this is the case of human rights violations in the United States of America.

13. For some years now, the Commission on Human Rights has been adopting a resolution demonstrating a lack of balance in the geographical composition of the staff of the Office of the United Nations High Commissioner for Human Rights, owing to the predominance of project staff and consultants from Western Europe and North America, to the detriment of the other four regional groupings. This has resulted in the non-representation or inadequate representation of the majority of Member States, particularly from the three developing regions.

14. If the Secretariat staff do not have a full understanding of the range of different cultures, civilizations, religions and legal, political and philosophical systems, it is impossible for them to fulfil objectively and impartially the responsibilities that the international community has assigned to them, in respect of supporting the machinery of the Commission on Human Rights in its work, in preparing reports and in providing technical advisory services to developing countries.

15. Economic, social and cultural rights and, in particular, the right to development still do not receive the attention agreed on in the Vienna consensus, and their full realization is held back as a result of the imposition of priorities and hegemonic interests by a few developed nations and hindered by the inadequacy of the resources that the countries of the North mobilize for that purpose.

16. Confrontation and punitive approaches to developing countries take precedence over dialogue and cooperation, while resources for activities to promote human rights, particularly those regarding technical cooperation, human rights education and education in general, are very much reduced and subject to prior conditions and specific purposes relating to the particular interests pursued by the donors.

17. An attempt is being made to replace cooperation and dialogue by the selective application of "humanitarian intervention", accompanied by the use of armed force in such cases as may be deemed advisable by the economic, political or military considerations of the major Powers, even though doing so violates the principle of the right of peoples to self-determination. The current military occupation of Iraq and the persistent refusal by the United States of America to withdraw its troops and permit the Iraqi people to choose their own Government is an irrefutable demonstration of this.

18. The Government of the Republic of Cuba considers it to be its duty to explore these facts, in order to help make all Member States and the non-governmental organization community aware of the urgent need to institute genuine cooperation, based on dialogue, as the Charter of the United Nations prescribes.

19. The universality of all human rights can be achieved only through total respect for the differences and individual characteristics of each people. Every attempt at imposition and domination hinders and holds back the full realization of all human rights for everyone and weakens and discredits the international system for the promotion and protection of human rights.

20. For Cuba, the spirit and the letter of the Vienna Declaration and Programme of Action continue to be the basis for its stance where human rights are concerned and reflect its unfailing commitment to their effective realization. It is impossible to conceive of the promotion, protection and full realization of all human rights and fundamental freedoms without the most stringent compliance with the principles of objectivity, impartiality and non-selectivity.